

**Staff
Summary
Report**



**To: Mayor & City Council
Through: City Manager**

Agenda Item Number 36
Meeting Date 10/28/99

SUBJECT: ORDINANCE FOR ADOPTION

PREPARED BY: JIM CRISTEA, ENGINEERING MANAGER, LAND SERVICES
(350-8417)

REVIEWED BY: HOWARD C. HARGIS, CITY ENGINEER (350-8250)

BRIEF: This is the first public hearing for the abandonment of an 8 foot public utility easement.

COMMENTS: **ABANDONMENT (0901) ORDINANCE NO. 99.36** This is the first public hearing for the abandonment of an 8 foot public utility easement at 452 E. Lilac Drive, adjacent to the east line of Lot 168, Marlborough Park Estates.

Document Name: (991028PWDR04) Supporting Documents: Yes

SUMMARY: California Pools is requesting the abandonment of the above-referenced easement on behalf of their client for the purpose of constructing a pool. The utility companies have approved the abandonment request.

RECOMMENDATION:

That the City Council set a public hearing and adopt Ordinance No. 99.36 and authorize the Mayor to execute any necessary documents.

Approved by: Judith Greenberg, Public Works Director

ORDINANCE NO. 99.36

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF
TEMPE, ARIZONA, ABANDONING AN 8 FOOT PUBLIC
UTILITY EASEMENT AT 452 E. LILAC DRIVE

WHEREAS, it has been determined by the City Council of the City of Tempe that a portion of a certain easement which was intended for public utilities is no longer required by the City of use as such, and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon said easement, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION I. That the City of Tempe does hereby abandon, relinquish, and vacate an existing easement which was intended for public utilities as described and delineated on EXHIBIT "A" attached hereto.

SECTION II. That all rights of the City in the easement to be abandoned shall vest in the record owner(s) of the subject property and shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the right of way is a part.

Ordinance No. 99.36
Page Two

SECTION III. That the Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,

ARIZONA this _____ day of _____, 1999.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

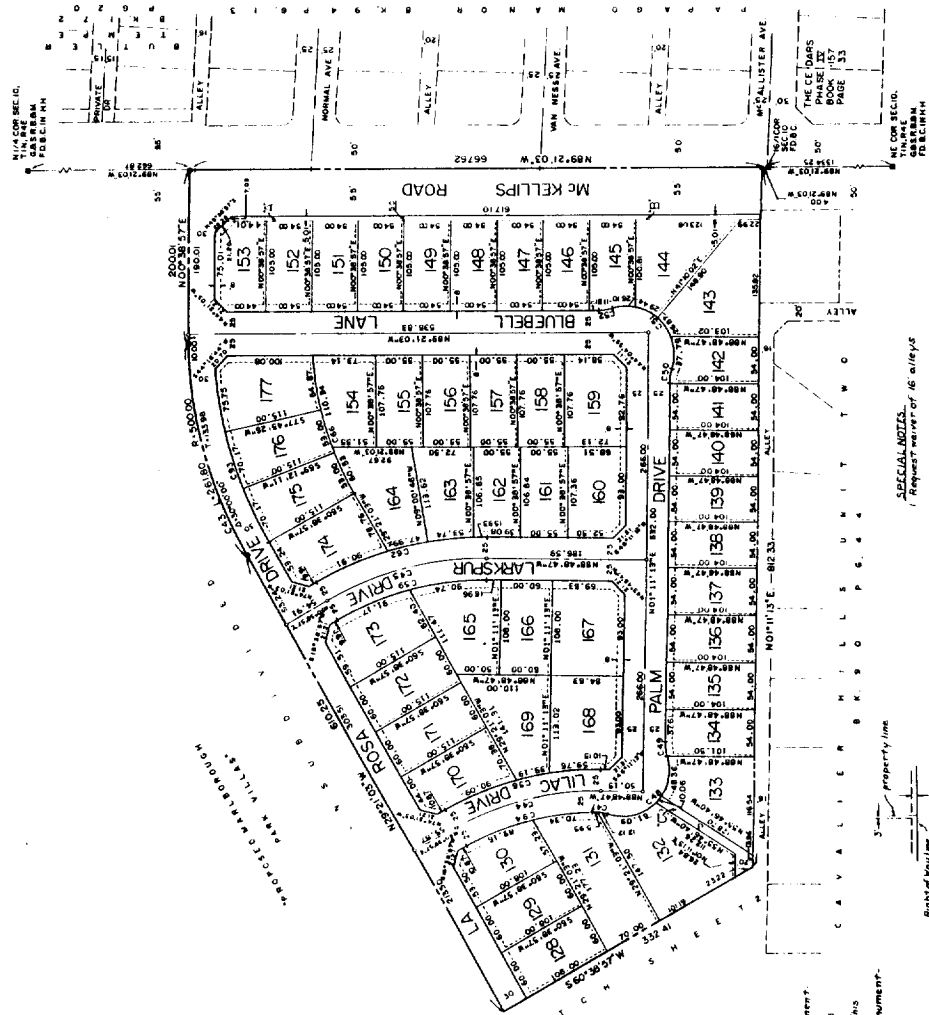
City Attorney

30

MARKLUBOUGH PARK DISTRICTS

A SUBDIVISION OF PART OF THE W/2 OF THE NE/4 OF SECTION 10, T.1N. R.4E. G. & B. & B. MARICOPA COUNTY, ARIZ.

DATE: 12-19-84
BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]
CITY ENGINEER: [Signature]



SPECIAL NOTES:
1. Request owner of 16' alleys

Right of Easement
Some property line
Indicates Easement
Construction within public utility easements shall be limited to public utilities and wood wire, or remove the section type fencing
2. All utilities shall be indicated underground

- LEGEND
- W Indicated Tract Name
 - Indicated Set Survey Measurement
 - Brass Cap Set Corner of This
 - Subdivision 1/2" Iron Bar
 - Indicated Found Corner of This
 - Subdivision - Brass Cap
 - As Described

NO.	DATE	REMARKS	AMOUNT
1	12-19-84	Subdivision - Brass Cap	100.00
2	12-19-84	Subdivision - Brass Cap	100.00
3	12-19-84	Subdivision - Brass Cap	100.00
4	12-19-84	Subdivision - Brass Cap	100.00
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APPROVALS

Approved by the City Council of the City of Tempe, Arizona this 18th day of July, 1984.

By: [Signature]
Mayor

Attest: [Signature]
City Clerk

Approved by the Planning Department of the City of Tempe, Arizona this 18th day of July, 1984.

By: [Signature]
City Engineer

Approved by the Planning Department of the City of Tempe, Arizona this 18th day of July, 1984.

By: [Signature]
Planning Director

CERTIFICATE OF SURVEY

This is to certify that the survey and subdivision of the above described property was made under my direct supervision and that the plat is correct and accurate, and that the monuments described in the plat have been located as described.

By: [Signature]
Registered Civil Engineer